

AMENDED IN SENATE APRIL 25, 2011

SENATE BILL

No. 929

Introduced by Senator Evans

February 18, 2011

~~An act to add Chapter 3.8 (commencing with Section 7295) to Part 1.7 of Division 2 of, the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor. An act to amend Sections 27315, 27315.3, and 27360 of the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 929, as amended, Evans. ~~Local taxation: vehicle license fees.~~
Vehicles: child passenger restraints.

(1) Existing law prohibits a person from operating a motor vehicle, as defined, on a highway unless that person and all passengers 16 years of age or older are properly restrained by a safety belt. Existing law also makes various legislative findings and declarations with regard to the need for a mandatory seat belt law.

This bill would delete those legislative findings and declarations relating to the need for a mandatory seat belt law.

Existing law requires a child or ward under the age of 6 years who weighs less than 60 pounds to be secured in a rear seat in a child passenger restraint system that meets specified federal standards, but permits such a child or ward to ride in the front seat of a motor vehicle if properly secured in a child passenger restraint system that meets specified federal standards, under specified circumstances, including, among other things, if all rear seats are already occupied by children under the age of 12 years.

This bill would instead, permit a child or ward under the age of 6 years who weighs less than 60 pounds to ride in the front seat of a motor

vehicle, if the child is properly secured in a child passenger restraint system that meets specified federal standards, if all rear seats are already occupied by children under the age of 8 years.

Because a violation of the vehicle law constitutes a crime, the bill would impose a state-mandated local program by expanding the scope of an existing crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Existing law authorizes various local governmental entities to impose local taxes for various purposes:

This bill would authorize the board of supervisors of any county or city and county, by ordinance, to propose to the voters a local vehicle license fee in accordance with specified requirements.

This bill would require the Department of Motor Vehicles to administer the local vehicle license fee, and would require, prior to the operative date of any ordinance imposing a local vehicle license fee, the county or city and county to contract with the Department of Motor Vehicles to perform this function. This bill would require the county or city and county to reimburse the Department of Motor Vehicles pursuant to the contract. This bill would require the revenues derived from the local vehicle license fee to be deposited in the State Treasury to the credit of the Local Vehicle License Fee Account, which this bill would create. This bill would continuously appropriate those moneys to the Controller for allocation to each county and city and county in which the local vehicle license fee is imposed.

Vote: majority. Appropriation: ~~yes~~no. Fiscal committee: yes. State-mandated local program: ~~no~~yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 27315 of the Vehicle Code is amended to
2 read:

3 27315. (a) ~~The Legislature finds that a mandatory seatbelt law~~
4 ~~will contribute to reducing highway deaths and injuries by~~
5 ~~encouraging greater usage of existing manual seatbelts, that~~
6 ~~automatic crash protection systems which require no action by~~

~~vehicle occupants offer the best hope of reducing deaths and injuries, and that encouraging the use of manual safety belts is only a partial remedy for addressing this major cause of death and injury. The Legislature declares that the enactment of this section is intended to be compatible with support for federal safety standards requiring automatic crash protection systems and should not be used in any manner to rescind federal requirements for installation of automatic restraints in new cars.~~

~~(b)~~

27315. (a) This section shall be known and may be cited as the Motor Vehicle Safety Act.

~~(e)~~

(b) (1) As used in this section, “motor vehicle” means a passenger vehicle, a motortruck, or a truck tractor, but does not include a motorcycle.

(2) For purposes of this section, a “motor vehicle” also means a farm labor vehicle, regardless of the date of certification under Section 31401.

~~(d)~~

(c) (1) A person shall not operate a motor vehicle on a highway unless that person and all passengers 16 years of age or over are properly restrained by a safety belt. This paragraph does not apply to the operator of a taxicab, as defined in Section 27908, when the taxicab is driven on a city street and is engaged in the transportation of a fare-paying passenger. The safety belt requirement established by this paragraph is the minimum safety standard applicable to employees being transported in a motor vehicle. This paragraph does not preempt more stringent or restrictive standards imposed by the Labor Code or another state or federal regulation regarding the transportation of employees in a motor vehicle.

(2) The operator of a limousine for hire or the operator of an authorized emergency vehicle, as defined in subdivision (a) of Section 165, shall not operate the limousine for hire or authorized emergency vehicle unless the operator and any passengers six years of age or over or weighing 60 pounds or more in the front seat are properly restrained by a safety belt.

(3) The operator of a taxicab shall not operate the taxicab unless any passengers six years of age or over or weighing 60 pounds or more in the front seat are properly restrained by a safety belt.

~~(e)~~

1 (d) A person 16 years of age or over shall not be a passenger in
2 a motor vehicle on a highway unless that person is properly
3 restrained by a safety belt. This subdivision does not apply to a
4 passenger in a sleeper berth, as defined in subdivision (x) of Section
5 1201 of Title 13 of the California Code of Regulations.

6 ~~(f)~~

7 (e) An owner of a motor vehicle, including an owner or operator
8 of a taxicab, as defined in Section 27908, or a limousine for hire,
9 operated on a highway shall maintain safety belts in good working
10 order for the use of *the* occupants of the vehicle. The safety belts
11 shall conform to motor vehicle safety standards established by the
12 United States Department of Transportation. This subdivision,
13 however, does not require installation or maintenance of safety
14 belts if *it is* not required by the laws of the United States applicable
15 to the vehicle at the time of its initial sale.

16 ~~(g)~~

17 (f) This section does not apply to a passenger or operator with
18 a physically disabling condition or medical condition that would
19 prevent appropriate restraint in a safety belt, if the condition is
20 duly certified by a licensed physician and surgeon or by a licensed
21 chiropractor who shall state the nature of the condition, as well as
22 the reason the restraint is inappropriate. This section also does not
23 apply to a public employee, ~~when~~ *if the public employee is* in an
24 authorized emergency vehicle as defined in paragraph (1) of
25 subdivision (b) of Section 165, or to a passenger in a seat behind
26 the front seat of an authorized emergency vehicle as defined in
27 paragraph (1) of subdivision (b) of Section 165 operated by the
28 public employee, unless required by the agency employing the
29 public employee.

30 ~~(h)~~

31 (g) Notwithstanding subdivision (a) of Section 42001, a violation
32 of subdivision ~~(d), (e), or (f)~~ (c), (d), or (e) is an infraction
33 punishable by a fine of not more than twenty dollars (\$20) for a
34 first offense, and a fine of not more than fifty dollars (\$50) for
35 each subsequent offense. In lieu of the fine and any penalty
36 assessment or court costs, the court, pursuant to Section 42005,
37 may order that a person convicted of a first offense attend a school
38 for traffic violators or another court-approved program in which
39 the proper use of safety belts is demonstrated.

40 ~~(i)~~

1 (h) In a civil action, a violation of subdivision ~~(d), (e), or (f)~~ (c),
2 (d), or (e) or information of a violation of subdivision ~~(h)~~ (g) does
3 not establish negligence as a matter of law or negligence per se
4 for comparative fault purposes, but negligence may be proven as
5 a fact without regard to the violation.

6 ~~(j)~~

7 (i) If the United States Secretary of Transportation fails to adopt
8 safety standards for manual safety belt systems by September 1,
9 1989, a motor vehicle manufactured after that date for sale or sold
10 in this state shall not be registered unless it contains a manual
11 safety belt system that meets the performance standards applicable
12 to automatic crash protection devices adopted by the United States
13 Secretary of Transportation pursuant to Federal Motor Vehicle
14 Safety Standard No. 208 (49 C.F.R. 571.208) as in effect on
15 January 1, 1985.

16 ~~(k)~~

17 (j) A motor vehicle offered for original sale in this state ~~which~~
18 that has been manufactured on or after September 1, 1989, shall
19 comply with the automatic restraint requirements of Section
20 S4.1.2.1 of Federal Motor Vehicle Safety Standard No. 208 (49
21 C.F.R. 571.208), as published in Volume 49 of the Federal
22 Register, No. 138, page 29009. An automobile manufacturer that
23 sells or delivers a motor vehicle subject to this subdivision, and
24 fails to comply with this subdivision, shall be punished by a fine
25 of not more than five hundred dollars (\$500) for each sale or
26 delivery of a noncomplying motor vehicle.

27 ~~(l)~~

28 (k) Compliance with subdivision ~~(j) or (k)~~ (i) or (j) by a
29 manufacturer shall be made by self-certification in the same manner
30 as self-certification is accomplished under federal law.

31 ~~(m)~~

32 (l) This section does not apply to a person actually engaged in
33 delivery of newspapers to customers along the person's route if
34 the person is properly restrained by a safety belt prior to
35 commencing and subsequent to completing delivery on the route.

36 ~~(n)~~

37 (m) This section does not apply to a person actually engaged in
38 collection and delivery activities as a rural delivery carrier for the
39 United States Postal Service if the person is properly restrained

1 by a safety belt prior to stopping at the first box and subsequent
2 to stopping at the last box on the route.

3 ~~(e)~~

4 (n) This section does not apply to a driver actually engaged in
5 the collection of solid waste or recyclable materials along that
6 driver's collection route if the driver is properly restrained by a
7 safety belt prior to commencing and subsequent to completing the
8 collection route.

9 ~~(p)~~

10 (o) Subdivisions ~~(d), (e), (f), (g), and (h)~~ (c), (d), (e), (f), and
11 (g) shall become inoperative immediately upon the date that the
12 United States Secretary of Transportation, or his or her delegate,
13 determines to rescind the portion of the Federal Motor Vehicle
14 Safety Standard No. 208 (49 C.F.R. 571.208) ~~which~~ that requires
15 the installation of automatic restraints in new motor vehicles,
16 except that those subdivisions shall not become inoperative if the
17 secretary's decision to rescind that Standard No. 208 is not based,
18 in any respect, on the enactment or continued operation of those
19 subdivisions.

20 *SEC. 2. Section 27315.3 of the Vehicle Code is amended to*
21 *read:*

22 27315.3. (a) As used in this section, "passenger motor vehicle"
23 means ~~any~~ a passenger vehicle as defined in Section 465 and ~~any~~
24 a motortruck as defined in Section 410 of less than 6,001 pounds
25 unladen weight, but does not include a motorcycle as defined in
26 Section 400.

27 (b) Every sheriff's department and city police department and
28 the Department of the California Highway Patrol shall maintain
29 safety belts in good working order for the use of occupants of ~~any~~
30 a vehicle ~~which~~ that it operates on a highway for the purpose of
31 patrol. The safety belts shall conform to motor vehicle safety
32 standards established by the United States Department of
33 Transportation. This subdivision does not, however, require
34 installation or maintenance of safety belts where not required by
35 the laws of the United States applicable to the vehicle at the time
36 of its initial sale.

37 (c) Notwithstanding subdivision (a) of Section 42001, ~~any~~ a
38 violation of subdivision (b) is an infraction punishable by a fine,
39 including all penalty assessments and court costs imposed on the
40 convicted department, of not more than twenty dollars (\$20) for

1 a first offense, and a fine, including all penalty assessments and
2 court costs imposed on the convicted department, of not more than
3 fifty dollars (\$50) for each subsequent offense.

4 (d) (1) For ~~any~~ a violation of subdivision (b), in addition to the
5 fines provided for pursuant to subdivision (c) and the penalty
6 assessments provided for pursuant to Section 1464 of the Penal
7 Code, an additional penalty assessment of two dollars (\$2) shall
8 be levied for ~~any~~ a first offense, and an additional penalty
9 assessment of five dollars (\$5) shall be levied for any subsequent
10 offense.

11 (2) All money collected pursuant to this subdivision shall be
12 utilized in accordance with Section 1464 of the Penal Code.

13 (e) In ~~any~~ a civil action, a violation of subdivision (b) or
14 information of a violation of subdivision (c) shall not establish
15 negligence as a matter of law or negligence per se for comparative
16 fault purposes, but negligence may be proven as a fact without
17 regard to the violation.

18 (f) Subdivisions (b) and (c) shall become inoperative
19 immediately upon the date that the Secretary of the United States
20 Department of Transportation, or his or her delegate, determines
21 to rescind the portion of the Federal Motor Vehicle Safety Standard
22 No. 208 (49 C.F.R. 571.208) ~~which~~ that requires the installation
23 of automatic restraints in new passenger motor vehicles, except
24 that those subdivisions shall not become inoperative if the
25 secretary's decision to rescind Standard No. 208 is not based, in
26 any respect, on the enactment or continued operation of those
27 subdivisions or subdivisions ~~(d) to (h)~~ (c) to (g), inclusive, of
28 Section 27315.

29 *SEC. 3. Section 27360 of the Vehicle Code is amended to read:*

30 27360. (a) A parent or legal guardian, when present in a motor
31 vehicle, as defined in Section 27315, ~~may~~ shall not permit his or
32 her child or ward to be transported upon a highway in the motor
33 vehicle without properly securing the child or ward in a rear seat
34 in a child passenger restraint system meeting applicable federal
35 motor vehicle safety standards, unless the child or ward is one of
36 the following:

37 (1) Six years of age or older.

38 (2) Sixty pounds or more.

39 (b) (1) A driver may not transport on a highway a child in a
40 motor vehicle, as defined in *subdivision (c) of* Section 27315,

1 without properly securing the child in a rear seat in a child
2 passenger restraint system meeting applicable federal motor vehicle
3 safety standards, unless the child is one of the following:

4 (A) Six years of age or older.

5 (B) Sixty pounds or more.

6 (2) This subdivision does not apply to a driver if the parent or
7 legal guardian of the child is also present in the vehicle and is not
8 the driver.

9 (c) (1) For purposes of subdivisions (a) and (b), and except as
10 provided in paragraph (2), a child or ward under the age of six
11 years who weighs less than 60 pounds may ride in the front seat
12 of a motor vehicle; if *the child is* properly secured in a child
13 passenger restraint system that meets applicable federal motor
14 vehicle safety standards, under any of the following circumstances:

15 (A) There is no rear seat.

16 (B) The rear seats are side-facing jump seats.

17 (C) The rear seats are rear-facing seats.

18 (D) The child passenger restraint system cannot be installed
19 properly in the rear seat.

20 (E) All rear seats are already occupied by children under the
21 age of ~~12~~ 8 years.

22 (F) Medical reasons necessitate that the child or ward not ride
23 in the rear seat. The court may require satisfactory proof of the
24 child's medical condition.

25 (2) A child or ward may not ride in the front seat of a motor
26 vehicle with an active passenger airbag if the child or ward is one
27 of the following:

28 (A) Under one year of age.

29 (B) Less than 20 pounds.

30 (C) Riding in a rear-facing child passenger restraint system.

31 (d) (1) (A) A first offense under this section is punishable by
32 a fine of one hundred dollars (\$100), except that the court may
33 reduce or waive the fine if the defendant establishes to the
34 satisfaction of the court that he or she is economically
35 disadvantaged, and the court, instead, refers the defendant to a
36 community education program that includes, but is not limited to,
37 education on the proper installation and use of a child passenger
38 restraint system for children of all ages, and provides certification
39 to the court of completion of that program. Upon completion of
40 the program, the defendant shall provide proof of participation in

1 the program. If an education program on the proper installation
2 and use of a child passenger restraint system is not available within
3 50 miles of the residence of the defendant, the requirement to
4 participate in that program shall be waived. If the fine is paid,
5 waived, or reduced, the court shall report the conviction to the
6 department pursuant to Section 1803.

7 (B) The court may require a defendant described under this
8 section to attend an education program that includes demonstration
9 of proper installation and use of a child passenger restraint system
10 and provides certification to the court that the defendant has
11 presented for inspection a child passenger restraint system that
12 meets applicable federal safety standards.

13 (2) (A) A second or subsequent offense under this section is
14 punishable by a fine of two hundred fifty dollars (\$250), no part
15 of which may be waived by the court, except that the court may
16 reduce or waive the fine if the defendant establishes to the
17 satisfaction of the court that he or she is economically
18 disadvantaged, and the court, instead, refers the defendant to a
19 community education program that includes, but is not limited to,
20 education on the proper installation and use of child passenger
21 restraint systems for children of all ages, and provides certification
22 to the court of completion of that program. Upon completion of
23 the program, the defendant shall provide proof of participation in
24 the program. If an education program on the proper installation
25 and use of a child passenger restraint system is not available within
26 50 miles of the residence of the defendant, the requirement to
27 participate in that program shall be waived. If the fine is paid,
28 waived, or reduced, the court shall report the conviction to the
29 department pursuant to Section 1803.

30 (B) The court may require a defendant described under this
31 section to attend an education program that includes demonstration
32 of proper installation and use of a child passenger restraint system
33 and provides certification to the court that the defendant has
34 presented for inspection a child passenger restraint system that
35 meets applicable federal safety standards.

36 (e) Notwithstanding any other provision of law, the fines
37 collected for a violation of this section shall be allocated as follows:

38 (1) (A) Sixty percent to health departments of local jurisdictions
39 where the violation occurred, to be used for a community education
40 program that includes, but is not limited to, demonstration of the

1 installation of a child passenger restraint system for children of all
2 ages and also assists an economically disadvantaged family in
3 obtaining a restraint system through a low-cost purchase or loan.
4 The county or city health department shall designate a coordinator
5 to facilitate the creation of a special account and to develop a
6 relationship with the court system to facilitate the transfer of funds
7 to the program. The county or city may contract for the
8 implementation of the program. Prior to obtaining possession of
9 a child passenger restraint system pursuant to this section, a person
10 shall attend an education program that includes demonstration of
11 proper installation and use of a child passenger restraint system.

12 (B) As the proceeds from fines become available, county or city
13 health departments shall prepare and maintain a listing of all child
14 passenger restraint low-cost purchase or loaner programs in their
15 counties, including a semiannual verification that all programs
16 listed are in existence. Each county or city shall forward the listing
17 to the Office of Traffic Safety in the Business, Transportation and
18 Housing Agency and the courts, birthing centers, community child
19 health and disability prevention programs, county clinics, prenatal
20 clinics, women, infants, and children programs, and county
21 hospitals in that county, who shall make the listing available to
22 the public. The Office of Traffic Safety shall maintain a listing of
23 all of the programs in the state.

24 (2) Twenty-five percent to the county or city for the
25 administration of the program.

26 (3) Fifteen percent to the city, to be deposited in its general fund
27 except that, if the violation occurred in an unincorporated area,
28 this amount shall be allocated to the county for purposes of
29 paragraph (1).

30 *SEC. 4. No reimbursement is required by this act pursuant to*
31 *Section 6 of Article XIII B of the California Constitution because*
32 *the only costs that may be incurred by a local agency or school*
33 *district will be incurred because this act creates a new crime or*
34 *infraction, eliminates a crime or infraction, or changes the penalty*
35 *for a crime or infraction, within the meaning of Section 17556 of*
36 *the Government Code, or changes the definition of a crime within*
37 *the meaning of Section 6 of Article XIII B of the California*
38 *Constitution.*

1 SECTION 1. ~~Chapter 3.8 (commencing with Section 7295) is~~
2 ~~added to Part 1.7 of Division 2 of the Revenue and Taxation Code,~~
3 ~~to read:~~

4
5 CHAPTER 3.8. COUNTY VEHICLE LICENSE FEES
6

7 7295. ~~(a) In addition to any other tax authority provided by~~
8 ~~law, the board of supervisors of any county or city and county~~
9 ~~may, by ordinance, place on the ballot a local vehicle license fee~~
10 ~~on any vehicle, registered within the county or city and county in~~
11 ~~which the local vehicle license fee is imposed, that is subject to~~
12 ~~registration under the Vehicle Code and on which a vehicle license~~
13 ~~fee is imposed pursuant to Part 5 (commencing with Section~~
14 ~~10701), for consideration by the voters in accordance with all~~
15 ~~constitutional and statutory requirements.~~

16 ~~(b) (1) A local vehicle license fee shall be subject to the~~
17 ~~following conditions:~~

18 ~~(A) (i) If the election in which the local vehicle license fee~~
19 ~~receives voter approval occurs between January 1 and June 30,~~
20 ~~the local vehicle license fee shall be imposed on and after the first~~
21 ~~January 1 that follows that election.~~

22 ~~(ii) If the election in which the local vehicle license fee receives~~
23 ~~voter approval occurs between July 1 and December 31, the local~~
24 ~~vehicle license fee shall be imposed on and after the first July 1~~
25 ~~that follows that election.~~

26 ~~(B) (i) The Department of Motor Vehicles shall administer the~~
27 ~~local vehicle license fee.~~

28 ~~(ii) Prior to the operative date of any ordinance imposing a local~~
29 ~~vehicle license fee, the county or city and county shall contract~~
30 ~~with the Department of Motor Vehicles to perform all functions~~
31 ~~incident to the administration of the local vehicle license fee.~~

32 ~~(iii) The contract shall contain a provision that the county or~~
33 ~~city and county shall reimburse the Department of Motor Vehicles~~
34 ~~for all refunds, losses, and costs incurred in the administration and~~
35 ~~operation of the local vehicle license fee.~~

36 ~~(C) The local vehicle license fee shall be assessed and collected~~
37 ~~in the same manner as the fee imposed by Part 5 (commencing~~
38 ~~with Section 10701).~~

39 ~~(2) (A) Amounts collected pursuant to this subdivision shall~~
40 ~~be transmitted to the Treasurer and deposited in the State Treasury~~

1 ~~to the credit of the Local Vehicle License Fee Account in the~~
2 ~~General Fund, which is hereby created.~~
3 ~~(B) Notwithstanding Section 13340 of the Government Code,~~
4 ~~the moneys in the Local Vehicle License Fee Account are hereby~~
5 ~~continuously appropriated, without regard to fiscal year, to the~~
6 ~~Controller for allocation to each county and city and county in~~
7 ~~which the local vehicle license fee is imposed.~~